

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

IN RE:

Michael R. Breza & Catherine L. Breza
Debtor(s).
_____ /

Bankruptcy No. 08-58457-tjt
Honorable Thomas J Tucker
Chapter 13

**MOTION TO EXCUSE ENTRY OF A WAGE ORDER AND ALLOW FOR ACH
WITHDRAWAL**

DEBTORS, by and through their Attorney, state the following in support of this motion to excuse entry of a wage order and allow for ACH withdrawal.

1. Debtors' plan payments total \$3373.76 per month which is \$778.56 weekly.
2. The Debtor wife receives monthly commission in one lump sum which provides for a significant portion of the household income. This commission amount, however, varies and at times may not be sufficient to cover the plan payment if subject to wage order as well as there being a potential timing issue.
3. For the payment to come out of the Debtor husbands check would be an undue hardship as his check provides for the day to day expenses and is not enough in and of itself to cover the plan payment.
4. Wherefore, for ease of administration Debtors ask that entry of a wage order be excused and that the plan payment be permitted to be made by ACH withdrawal.

WHEREFORE, it is requested that Debtors be allowed to make payments to the Chapter 13 trustee via ACH withdrawal.

Dated: August 8, 2008

_____/S/Tricia Stewart Terry
TRICIA STEWART TERRY (P59522)
Marrs & Terry, PLLC
6553 Jackson Rd
Ann Arbor, MI 48103
734-663-0555

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION – DETROIT**

In re:

Michael R. Breza & Catherine L. Breza
Debtor.

Bankruptcy No. 08-58457-tjt
Honorable Thomas J Tucker
Chapter 13

**NOTICE OF MOTION TO EXCUSE ENTRY OF A WAGE ORDER AND ALLOW FOR ACH
WITHDRAWAL**

Marrs & Terry, PLLC, counsel for Debtor(s), has filed papers with the court requesting the excusal of the entry of a wage order.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to allow the application for attorney fees, or if you want the court to consider your views on the motion, then within 20 days, you or your attorney must:

File with the court a written response or an answer, explaining your position at:

United States Bankruptcy Court
211 W. Fort Street
Detroit, MI 48226

If you mail your response to the court for filing, you must mail it early enough so the court will receive it on or before the date stated above.

You must also mail a copy to:

Tricia Stewart Terry
Marrs & Terry, PLLC
6553 Jackson Rd
Ann Arbor, MI 48103

Tammy Terry
535 Griswold
Suite 2100
Detroit MI 48226

If you or your attorney does not take these steps, the court may decide that you do not oppose the relief sought in the application and may enter an order granting that relief.

Dated: August 8, 2008 /s/Tricia Stewart Terry_____
TRICIA STEWART TERRY (P59522)
Marrs & Terry, PLLC
6553 Jackson Rd
Ann Arbor, MI 48103
734-663-0555

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN**

IN RE:

Michael R. Breza & Catherine L. Breza
Debtor(s).

CHAPTER 13
Bankruptcy No. 08-58457-tjt
Honorable Thomas J Tucker

**ORDER APPROVING MOTION TO EXCUSE ENTRY OF A WAGE ORDER
AND ALLOW FOR ACH WITHDRAWAL**

This matter having come before the Court upon the application of Tricia Stewart Terry, of Marrs & Terry, PLLC, and all interested parties having been served with notice of the motion, no objections to the motion having been received and a certification of no response having been filed, and the Court being otherwise fully advised in the premises;

IT IS HEREBY ORDERED that the entry of a wage order shall be excused.

IT IS FURTHER ORDERED that Debtors shall make payments to the Chapter 13 trustee via ACH withdrawal in the amount of \$3373.76 per month.